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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2810 OF 2005**

Balkrishna Livestock Builders Pvt. Ltd. ... Petitioner

V/s.

Shri Prakash Pandurang Daund & Ors. ... Respondents

Mr.K.S. Bapat for Petitioner
Mr.M.S. Topkar for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 13, 2005**

**P.C.:**

. The award challenged by the Petitioner declares that the enquiry held against the respondent-workman was not legal, fair and proper because the chargesheet dated 10.8.1994 issued to him was vague. The Labour Court has held that there is no mention of the clause under which the misconduct was alleged. Nor is there a mention of the standing order under which the chargesheet was issued. The Labour Court has construed it to be a vague chargesheet.

2. A bare perusal of the chargesheet indicates that not only does it mention the time and place when the misconducts have occurred but also the dates on which these misconducts had occurred. The chargesheet further

mentions that the alleged acts of commission and omission of the respondent have caused grave prejudice and injury to the Petitioner. It further mentions that the alleged misconducts would invite disciplinary action. The chargesheet cannot be considered to be vague.

3. The award of the Labour Court is, therefore, set aside.

4. However, the Labour Court will decide the issue as to whether the enquiry held against the respondent was fair, legal and proper, afresh, without reference to the vagueness of the chargesheet as it has already been held to be proper. Writ Petition is disposed off accordingly.